



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,552	04/01/2004	William Young	5Y01.1-011	7140

23506 7590 03/03/2005

GARDNER GROFF, P.C.
2018 POWERS FERRY ROAD
SUITE 800
ATLANTA, GA 30339

EXAMINER

WUJCIAK, ALFRED J

ART UNIT	PAPER NUMBER
----------	--------------

3632

DATE MAILED: 03/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/815,552

Applicant(s)

YOUNG, WILLIAM

Examiner

Alfred Joseph Wujciak III

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2004.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-20 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 01 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Art Unit: 3632

DETAILED ACTION

This is the first Office Action for the serial number 10/815,552, CAMERA STAND, filed on 4/1/04.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8, 10-11, 13, 15-16 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent # 5,510,863 to Kliewer.

Kliewer teaches a stand (figure 1) comprising an upper section including a platform (11), a lower section (6) and an adjustment mechanism (7 and 16). The upper section includes an upper shaft (figure 2, outer part of shaft, 4) extending downward from the platform. The lower section includes a lower shaft (figure 2, inner part of shaft that is connected to element 6) extending upward from the anchor. The adjustment mechanism includes a vertical adjustment/securing mechanism (16) coupling between the upper shaft and the lower shaft. The upper shaft and the lower shaft are telescopically arranged to form the vertical adjustment coupling of the adjustment mechanism. The adjustment mechanism includes a rotational adjustment (16) coupling between the upper shaft and the lower shaft. The upper shaft and lower shaft are telescopically arranged to form the rotational adjustment coupling of the adjustment mechanism. The securing mechanism comprises a set screw extendable through an outer one of

Art Unit: 3632

the upper and lower sections and engageable with an inner one of the upper and lower sections.

The upper section includes a camera mounting mechanism (12) adapted to secure the camera to the platform.

Kliewer teaches the lower section but fails to teach the lower section comprising an anchor, however in figure 17, which is a different embodiment shows the lower section (17) comprising anchor (35). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified the lower section with anchor to provide support for supporting stand on the ground.

In regard to claim 10, Kliewer teaches the platform defining an opening but fails to teach the opening receives the lower shaft when the lower section is detached from and inverted relative to the upper section. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have used the opening for storing the lower shaft to provide convenience for transporting the stand to a different location.

In regard to claims 19-20, Kliewer teaches all elements above but fails to teach the use of elements in method. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have specified steps for elements to provide convenience for detaching the lower shaft and place it into the opening of platform to store the lower shaft when it is not being used.

Claims 9 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kliewer in view of US Patent # 5,567,907 to Westfall.

Kliewer teaches the camera mounting mechanism but fails to teach the camera mounting mechanism includes at least one strap and holes. Westfall teaches the strap (20a) and holes (36).

Art Unit: 3632

It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Kliewer's camera mounting mechanism with strap as taught by Westfall to provide alternative method for securing a camera on the platform.

Claims 12, 14 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kliewer in view of US Patent # 4,907,778 to Rockwell.

Kliewer teaches the platform includes a horizontal support section and a vertical back section extending therefrom.

Kliewer teaches the upper shaft and lower shaft but fails to teach they are in the same length. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified the length of upper and lower shafts to same length to provide designer's preference for the length of upper and lower shafts.

Kliewer teaches the lower section but fails to teach the lower section includes two foot assists and at least two side anchors extending downward from the foot assists. Rockwell teaches the lower section (30) including two foot and at least two side anchors (34) extending downward from the foot assists. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have added foot assist with side anchor to Kliewer's lower section as taught by Rockwell to provide convenience for driving the lower section in the ground.

Kliewer in view of Rockwell teaches the platform and foot assists but fails to teach the height, width and depth are the same for platform and foot assists. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified the

Art Unit: 3632

height, width, depth of platform and foot assists to same size to provide designer's preference for the size of platform and foot assists.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US Patent # 5,417,166 to Credle, Sr.

US Patent # 5,161,561 to Jamieson

US Patent # 3,720,963 to Zakaski

US Patent # 4,497,077 to Provost

US Patent # 6,487,977 to Williams et al.

US Patent # 6,705,240 to Block et al.

US Patent # 4,896,651 to Kott, Jr.

US Patent # 2,720,249 to Peterson

US Patent # 2,877,828 to Barnette, Jr.

Credle, Sr., Jamieson, Zakaski, Provost, Williams et al., Block et al., Kott, Jr., Peterson, Barnette, Jr. teach stand having anchor for driving the stand in the ground.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alfred Joseph Wujciak III whose telephone number is (703) 306-5994. The examiner can normally be reached on 8am-4:30pm.

Art Unit: 3632

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A Braun can be reached on 703 308 2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alfred Joseph Wujciak III

Examiner

Art Unit 3632

A handwritten signature in black ink, appearing to read 'A. Joseph Wujciak III', with a stylized flourish at the end.

2/25/05